

Ask the Consul  
January 2008

Dear Readers,

Happy New Year! We have received many excellent questions from you since our last edition, so I will answer them straight away. Please feel free to e-mail me your general questions for this column at [askconsultbilisi@state.gov](mailto:askconsultbilisi@state.gov) or at [consulate-tbilisi@state.gov](mailto:consulate-tbilisi@state.gov) if you have case-specific inquiries.

Best regards,  
Lindsay Henderson  
Consul

Q: When I last traveled to the U.S., I forgot to leave my white I-94 card with the airline on departure. How can I get it back to the proper authorities so that my correct departure date is recorded? I don't want to have any problems on future trips.

A: Feel free to send it to me. I will need you to send the white I-94 card, as well as some sort of evidence of your departure date (a copy of the arrival stamp in your passport, for example, or a copy of your boarding pass). Mail it to me at: Consular Section, U.S. Embassy, 11 Balanchini Street, Tbilisi 0131. We send these back to the U.S. Department of Homeland Security periodically and I would be happy to include yours in the next batch to go back.

Q: Why were the visa fees increased?

A: On January 1, 2008, the application fee for a U.S. non-immigrant visa increased from \$100 to \$131. Immigrant visa fees were also increased at the same time. This increase will allow the Department to recover the costs of security and other enhancements to the non-immigrant visa application process.

Applicants who paid the prior \$100 application fee before January 1 will be processed only if they are scheduled and appear for a visa interview on or before January 31.

Applicants who paid the prior \$100 application fee and appear for visa interviews after January 31, 2008 must pay the difference -- \$31 -- before they will be interviewed.

The Department of State is required by law to attempt to recover the cost of processing non-immigrant visas through the collection of the Machine-Readable Visa application fee. Because of new security-related costs, new information technology systems, and inflation, the \$100 Machine-Readable Visa fee was lower than the actual cost of processing non-immigrant visas. In fact, the \$100 fee was already lower than the cost of processing non-immigrant visas when the fee was reviewed as a part of the cost of service study in 2004. The Department of State had been absorbing the additional cost. We are now collecting 10 fingerprints from each applicant, and the cost of collecting and reviewing those fingerprints no longer allows us to do this. The application fee has increased twice since September 11, 2001, the last time in 2002.

Q: I applied for the Diversity Visa lottery through a company on the internet. I paid a lot of money for the application, and it has been a long time. Was this a scam?

A: Registering for the Diversity Visa lottery is free of charge, and your chances of winning do not improve if you use an intermediary to fill out the forms for you. We never collect any visas other than the visa application fee, which is collected by the Embassy cashier on the day of the actual visa interview, and for which you are given a receipt signed by the consular officer. If you have paid a lot of money to an individual or organization to submit your application for you, it is quite possible that you have been the victim of some type of scam.

Q: I want to apply for the J-1 Summer Work and Travel Program this year. My cousin participated in one of these programs three years ago and it really helped her English; I would like to do the same. I know a lot of people have had problems qualifying for these programs, and I was just wondering if there is anything I can do before I apply to avoid having problems or being refused a visa.

A: Thank you for your letter. It sounds like you are going into the application process with the right attitude—these are educational exchange programs, not opportunities to make a lot of money. We check on the return rates of visa applicants for all categories and from all different types of programs. If a group of people participating in one type of program has a high rate of overstaying their visas, then we will give future applicants for these programs more scrutiny during the application process, especially if we determine that fraudulent documentation is involved with applicants from a program. There are some danger signs to watch out for when applying for J visa summer work and travel programs, and if you encounter any of these, please feel free to contact me via e-mail with your concerns at [consulate-tbilisi@state.gov](mailto:consulate-tbilisi@state.gov). The following are some danger signs in J-1 programs that you should avoid:

- The company guarantees that you will receive a visa;
- The company won't refund your full program fee if you do not receive a visa;
- The company tells you or hints that you should give false answers or provide fraudulent documentation to the consular officer during your visa interview;
- The company provides you with fraudulent documents to give to the consular officer during the visa interview;
- The company states that they have a special relationship with the Embassy or Consular Section (in order to ensure fair treatment, we do not give special privileges to any facilitators of exchange programs);
- The company fails to explain that summer work and travel companies in the United States are permitted to require up to 50% of their program participants to locate their own job;
- The company promises that you will make a lot of money in the U.S. Summer work and travel programs are meant to be cultural exchanges, not work programs to earn a lot of money. Most participants will earn the legal minimum wage for the state in the United States where their program is taking place (usually about

\$7.00 US per hour, but it may be more or less depending on which state the participant is in). Taxes are deducted from the salary, and most programs require that participants pay for their housing and personal expenses as well—which leaves most people earning just enough money to cover their housing and part of their personal expenses while participating in these programs.

Q: I participated last year in a J-1 exchange program that was paid for by the U.S. Government. I understand that I am subject to the “two-year rule.” I would really like to visit a friend in the U.S. Can I still qualify for a tourist visa?

A: Yes, you may still qualify for a tourist visa. J-1 participants who participate in U.S. Government financed programs, or other programs in certain categories are subject to Section 212(e) of the Immigration and Nationality Act, which requires that participants in these programs return to their home countries for at least two years after their program participation before they are eligible for any work visas or immigrant visas to the United States. This rule is designed to make the exchange program a true exchange program and ensure that participants share the knowledge they acquire during their exchange program with their home country. If you aren’t sure whether you are subject, please look at your visa (it will say “212(e) Applies” or “Subject to Two-Year Rule” if the rule applies to you). You can also e-mail me and I will be happy to check your visa record and find out for you.

Q: I know more than one person who is involved in a sham marriage just to get a visa. How can I report that information to you without disclosing my personal data?

A: If you have information about a visa applicant committing fraud in any visa category, there are several ways to report that to us. You can notify the Fraud Prevention Unit of the Consular Section by calling the Embassy at (32) 27-70-00 or send an e-mail to [consulate-tbilisi@state.gov](mailto:consulate-tbilisi@state.gov). Also, you can write a letter and mail it to the Consular Section of the U.S. Embassy. If you choose to include your contact information, it is never disclosed. Sometimes, though, we receive letters that are illegible or the information needs more explanation. We would like to follow-up on such letters, but we can't if we don't have any contact information for the sender. When you choose to include your contact information, it makes it easier for us to follow-up with you in case we have any questions about the information or details provided. Keep in mind that although the information in the letter appears obvious to the person who wrote it, the writer should not assume that the reader is automatically aware of the visa case being referenced.

Q: What information should a letter about visa fraud contain?

There is no exact recipe for these letters. The key to assisting us with information about visa fraud is to be as detailed as you can especially with names, dates of birth, addresses, or any other pertinent information you can provide about the parties involved.

Q: Why should I care about reporting visa fraud to you?

Fraud is unethical and unfair. Immigrant visas are allocated on a monthly basis to each country around the world in limited numbers. Much like the act of standing in a line, it is not fair for people to commit fraud in order to migrate in visa categories that don't pertain to them simply because they don't want to wait their turn in the appropriate visa classes. Because some immigrant visa classes are allocated more numbers than other classes, some applicants are able to migrate a bit faster thereby giving some people the impression that it is worthwhile to commit fraud.

Furthermore, regarding non-immigrant visas, it is not ethical for applicants to present false information in order to qualify for them. When fraud is evidenced or perceived with increasing frequency in a particular country, it becomes more difficult to obtain a visa in that country. By reporting fraud before applicants successfully obtain visas, the general public is perceived as being intolerant of such behavior. With your cooperation, we are able to keep our statistics on fraud lower so that honest people are better able to obtain a visa.